

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 17 February 2009.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Seattle District, East Edgar Partnership LLC; NWS-2009-169.  
Name of water being evaluated on this JD form: Lake Union

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Washington County: King City: Seattle

Center coordinates of site (lat/long in degree decimal format): Lat: 47.64446 N, Long: -122.32714 W

Universal Transverse Mercator:

Name of nearest waterbody: Lake Union.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Lake Union.

Name of watershed or Hydrologic Unit Code (HUC): 17110012.

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: \_\_\_\_\_

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: 17 February 2009.

☐ Field Determination. Date(s): \_\_\_\_\_.

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There Are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: Lake Union is on Corp list of designated navigable waters.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There Are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- ☒ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: 85 linear feet 4 width (ft) and/or \_\_\_\_\_ acres.

Wetlands: \_\_\_\_\_ acres.

**c. Limits (boundaries) of jurisdiction based on: Established by OHWM and Established by Corps navigation study.**

Elevation of established OHWM (if known): 21.8.

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: \_\_\_\_\_.

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

##### 1. TNW

Identify TNW: Lake Union.

Summarize rationale supporting determination: On Corps list.

##### 2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": \_\_\_\_\_.

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS - Not applicable

#### C. SIGNIFICANT NEXUS DETERMINATION - Not applicable

#### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

##### 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

☒ TNWs: 85 linear feet 4 width (ft), or \_\_\_\_\_ acres.

☐ Wetlands adjacent to TNWs: \_\_\_\_\_ acres.

#### E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS – NOT APPLICABLE

#### F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): Not applicable

### SECTION IV: DATA SOURCES.

#### A. SUPPORTING DATA. Data reviewed for JD:

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Drawings dated February 9, 2009.

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: \_\_\_\_\_.

☒ Corps navigable waters' study: The waterbody is on the Section 10 Navigable Waterway List for Seattle District. The list is available at [www.nws.usace.army.mil](http://www.nws.usace.army.mil) click on Regulatory – Regulatory/Permits – Wetlands and Waters of the US – Navigable Waters.

☐ U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: \_\_\_\_\_.

☐ USDA Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.

☐ National wetlands inventory map(s). Cite name: \_\_\_\_\_.

☐ State/Local wetland inventory map(s): \_\_\_\_\_.

☐ FEMA/FIRM maps: \_\_\_\_\_.

☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)

☐ Photographs: ☐ Aerial (Name & Date): \_\_\_\_\_

or ☐ Other (Name & Date): \_\_\_\_\_.

☐ Previous determination(s). File no. and date of response letter: \_\_\_\_\_.

☐ Applicable/supporting case law: \_\_\_\_\_.

☐ Applicable/supporting scientific literature: \_\_\_\_\_.

☐ Other information (please specify): \_\_\_\_\_.

#### B. ADDITIONAL COMMENTS TO SUPPORT JD: \_\_\_\_\_.